State v. *Dunklee,* 76 N. H. 439. The liberal rule applied to exemption cases is shown in the principal case and in *Parker* v. *Sweet,* supra.

The courts of course have no hesitancy in classifying an automobile as a "vehicle," especially with reference to the "law of the road." *Hennessey* v. *Taylor,* 189 Mass. 583, 76 N. E. 224; *Foster* v. *Curtis,* 213 Mass. 79; *Thies* v. *Thomas,* 76 N. Y. Supp. 276; *Emerson Troy Granite Co.* v. *Pearson,* 74 N. H. 22, 64 Atl. 582; *Harder* v. *City of Chicago,* 85 N. E. 255. But see: *Washington Electric Co.* v. *District of Columbia,* 19 App. Cas. 462.

An automobile is a "wagon" within the purport of an ordinance prohibiting the presence of "advertising trucks, vans, and wagons," upon certain streets. *Fifth Ave. Coach Co.* v. *City of New York,* 194 N. Y. 19, 86 N. E. 824, and under a statute requiring the licensing of automobile operators, a traction engine is an automobile. *Emerson Troy Granite Co.* v. *Pearson,* 74 N. H. 22, 64 Atl. 582.

But an automobile is not an inherently dangerous machine to be classed in the same category as locomotives, gunpowder, dynamite, "bad-dogs, vicious bulls, evil-disposed mules," and similarly dangerous machines or agencies, to which the *Rylands* v. *Fletcher* doctrine (L. R. 3 H. L. 330) applies in any of its derived forms. *Stephen* v. *McNaughton,* 142 Wis. 49; *Jones* v. *Hoge,* 47 Wash. 663; *Cunningham* v. *Castle,* 127 App. Div. 580; *Lewis* v. *Amorous,* 3 Ga. App. 50; *Slater* v. *Advance Thresher Co.,* 97 Minn. 305; *Contra*: *Weil* v. *Kreutzer,* 134 Ky. 563; *Ingraham* v. *Stockmore,* 118 N. Y. Supp. 399.

But on the other hand, an automobile while in operation *is* a dangerous mechanism. *In re Berry,* 147 Cal. 523; *Lewis* v. *Amorous,* 3 Ga. App. 50; *Hall* v. *Compton.* 130 Mo. App. 675, 10 S. W. 1122; *Dudley* v. *Northampton Street Ry. Co.,* 202 Mass. 443, 89 N. E. 25.

INHERITANCE FROM ADOPTED CHILD.—When an adopted child dies intestate after having inherited property from one of its adopted parents, does such property descend to the child's blood relatives in exclusion of the other adopted parent? The Supreme Court of Mississippi has just answered this question in the affirmative (in the face of a vigorous dissent by MILLER, J.) in the case of *Fisher* v. *Browning,* (Miss. 1914) 66 So. 132.

The facts were as follows: Lula Browning, an infant three years old, was adopted by Charles Rule and his wife. Rule died intestate, leaving surviving him his widow and the adopted daughter. Lula died, unmarried and without issue, before her adoptive mother. Mrs. Rule married plaintiff, who claimed that upon Lula's death, the property that had been inherited by her from her adopted father, descended to his wife, the adoptive mother. Defendant's brothers and sisters by blood of Lula, claim that this property descended to them. The court held that the adoptive parent does not inherit from the adoptive child to the exclusion of its blood relatives, but that the property of an adopted child, even if it be inherited from an adoptive parent, descends according to the law of descent of the state, to its blood relatives.

The two opposing opinions well illustrate the two different views taken by the courts on this question, on which the contrariety of opinion has been so

marked that in a large proportion of the cases the decisions have been by divided courts. The majority opinion's view was taken in *Reinders* v. *Koppelman*, 68 Mo. 482, 30 Am. Rep. 802; *Baker* v. *Cowser*, 138 N. W. 837, (Ia.) (two judges dissenting); *White* v. *Dotter*, 73 Ark. 130. The Iowa and Arkansas cases referred to cite as authority *Upson* v. *Noble*, 35 Ohio St. 655 and *Hole* v. *Robbins*, 53 Wis. 514. Although the language in these two cases is broad enough to include the proposition that an adoptive parent does not inherit from an adopted child, even though its property has come to it by inheritance from an adoptive parent, that question was not in issue in those cases; the question was whether the adoptive or the natural parent inherits from an adopted child, when the property has come to the child from a natural parent. No case has held that property inherited by an adopted child from a natural parent goes, upon the death of the adopted child, to the adoptive parent.

The view the dissenting judge took in the principal case has been taken in *Humphries* v. *Davis*, 100 Ind. 274, 50 Am. Rep. 788, which is a leading case on this subject. The Indiana view, as laid down in *Humphries* v. *Davis* has been followed in *Lanferman* v. *Vanzile*, 150 Ky. 751 (three judges dissenting), *Jobson* v. *Jobson*, 164 Cal. 312 (two judges dissenting), *Calhoun* v. *Bryant*, 28 S. D. 266.

The courts which take the view expressed in the majority opinion base their decision on the ground that adoption statutes are in derogation of the common law and should be strictly construed, and that unless the statute expressly provides that an adoptive parent may inherit from an adopted child, the blood kin inherit in preference to the adoptive kin. The dissenting judge, and the line of authorities that have taken his view, hold that adoption not only creates the status of child, but also the corresponding status of parent, and that the right of inheritance, generally an incident to the status of parent and child, may be implied. This line of authorities also bases its view on the ground that it is the most equitable, reasonable, and humane construction that can be given to statutes of adoption, as expressed by the dissenting judge in the principal case: "It is so monstrously unjust to conceive of a man laboring and accumulating a fortune and dying and leaving it to his wife and adopted child, and that upon its death before the death of its adoptive mother, the adopted child's relatives, strangers to his blood, should take the property of the child thus inherited in the family, rather than the adoptive mother." In *Humphries* v. *Davis*, Judge ELLIOTT said: "Courts can neither wrest words from their plain meaning nor violate the spirit of a statute upon their own notions of natural justice; but, when the statute is general in its terms, courts may give such construction as will make its operation just and beneficial." The view taken by the dissenting judge seems to be the more reasonable and just, a view consistent with the policy of encouraging adoption, rather than discouraging it, and, under Judge ELLIOTT's rule of construction, is wholly warranted. J. G. C.

COMMON LAW RIGHT OF DISCRIMINATION AS AFFECTED BY FEDERAL STATUTES.—In the recent case of *Hocking Valley Ry. Co.* v. *United States*,